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CLERK'S OFFICE

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH, CLERK

UNITED STATES JUDICIAL PANEL

on

MULTIDISTRICT LITIGATION

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

MAY 12 2008

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION

MDL No. 1938

HEREBY CERTIFY that the above copy  
is a true and correct copy of  
the original on file in my office

(SEE ATTACHED SCHEDULE)

ATTEST:  
WILLIAM T. WALSH, Clerk  
United States District Court  
District of New Jersey

CONDITIONAL TRANSFER ORDER (CTO-1)

by **JOHN ICKLAN**

On April 8, 2008, the Panel transferred 21 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Dennis M. Cavanaugh.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Cavanaugh.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of April 8, 2008, and, with the consent of that court, assigned to the Honorable Dennis M. Cavanaugh.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffery M. Luthi  
Clerk of the Panel

A CERTIFIED TRUE COPY

MAY 12 2008

ATTEST:   
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

<u><b>DIST. DIV. C.A. #</b></u>	<u><b>CASE CAPTION</b></u>
<b>ALABAMA MIDDLE</b>	
ALM 2 08-129	John D. Swindall v. Merck & Co., Inc., et al.
<b>ALABAMA NORTHERN</b>	
ALN 1 08-279	Thomas L. Sizemore v. Merck & Co., Inc., et al.
ALN 2 08-134	Constantine Kanakis, et al. v. Merck & Co., Inc., et al.
<b>ARKANSAS EASTERN</b>	
ARE 4 08-86	John H. Stanley, Jr. v. Merck & Co., Inc., et al.
ARE 5 08-42	Juanita Sloan v. Merck & Co., Inc., et al.
<b>ARIZONA</b>	
<del>AZ 2 08-360</del>	<del>Robert S. Leyin v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08</del>
<b>CALIFORNIA CENTRAL</b>	
CAC 2 08-1038	Glenda Morgan v. Merck & Co., Inc., et al.
CAC 2 08-1499	Ronald Dossey v. Merck & Co., Inc., et al.
<b>CALIFORNIA EASTERN</b>	
CAE 2 08-355	Carolyn Boyle v. Merck & Co., Inc., et al.
<b>CALIFORNIA NORTHERN</b>	
CAN 4 08-929	Mircea Muresan v. Merck & Co., Inc., et al.
<b>DELAWARE</b>	
DE 1 08-176	Elaine Hawk v. Merck & Co., Inc., et al.
<b>FLORIDA MIDDLE</b>	
FLM 6 08-153	Alma Hooks, et al. v. Merck & Co., Inc., et al.
FLM 6 08-178	Stephen Greenwell v. Merck & Co., Inc., et al.
<b>FLORIDA NORTHERN</b>	
FLN 5 08-58	Jean T. Smith v. Merck & Co., Inc., et al.
<b>FLORIDA SOUTHERN</b>	
FLS 1 08-20317	Moises Selesky v. Merck & Co., Inc., et al.
<b>GEORGIA NORTHERN</b>	
GAN 1 08-309	Dewey Eugene Keith, et al. v. Merck & Co., Inc., et al.
GAN 1 08-417	Gregory Flynn v. Merck & Co., Inc., et al.

**MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)****DIST. DIV. C.A. #****CASE CAPTION****IOWA NORTHERN**

IAN 2 08-1007

Donald Pierce, et al. v. Merck &amp; Co., Inc., et al.

**IOWA SOUTHERN**

IAS 1 08-13

James A. Pratt v. Merck &amp; Co., Inc., et al.

IAS 4 08-81

Donna Greenley v. Merck &amp; Co., Inc., et al.

**ILLINOIS SOUTHERN**

ILS 3 08-67

Christina Robin Wallace, et al. v. Merck &amp; Co., Inc., et al.

ILS 3 08-163

Mary Trebilcock v. Merck &amp; Co., Inc., et al.

ILS 3 08-191

Jerry Kee, et al. v. Merck &amp; Co., Inc., et al.

**INDIANA SOUTHERN**

INS 1 08-210

June Wilkins v. Merck &amp; Co., Inc., et al.

INS 1 08-335

Rick Lane v. Merck &amp; Co., Inc., et al.

INS 1 08-470

Edna Appel v. Merck &amp; Co., Inc., et al.

**KANSAS**

KS 2 08-2163

Lois Roberta Bowers v. Merck &amp; Co., Inc., et al.

**LOUISIANA EASTERN**

LAE 2 08-784

Kelly Fontana, et al. v. Merck &amp; Co., Inc., et al.

LAE 2 08-1235

Louisiana Health Service &amp; Indemnity Co., etc. v. Merck &amp; Co., Inc., et al.

**MASSACHUSETTS**

MA 1 08-10109

Edward Arasimowicz v. Merck &amp; Co., Inc., et al.

**MARYLAND**

MD 1 08-860

Mitchell Peiser v. Merck &amp; Co., Inc., et al.

**MAINE**

ME 2 08-58

Barry Zimmerman v. Merck &amp; Co., Inc., et al.

**MINNESOTA**

MN 0 08-220

Daniel L. Tollefson, Sr. v. Merck &amp; Co., Inc., et al.

**MISSOURI EASTERN**

MOE 4 08-123

Chong Badgley v. Merck &amp; Co., Inc., et al.

MOE 4 08-295

William G. Krejci v. Merck &amp; Co., Inc., et al.

MOE 4 08-308

Robert L. Scheu v. Merck &amp; Co., Inc., et al.

MOE 4 08-315

Timothy J. Leyes, Sr. v. Merck &amp; Co., Inc., et al.

**MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>MISSOURI WESTERN</b>	
MOW 2 08-4021	Steve Dillon, et al. v. Merck & Co., Inc., et al.
MOW 4 08-145	Marie Maley v. Merck & Co., Inc., et al.
MOW 4 08-153	Beverly Walden v. Merck & Co., Inc., et al.
MOW 4 08-172	Anthony Neland v. Merck & Co., Inc., et al.
MOW 4 08-187	Wei Chan v. Merck & Co., Inc., et al.
<del>MOW 6 08-3119</del>	<del>John Grant, et al. v. Merck/Schering-Plough Pharmaceuticals, et al.</del> Opposed 5/9/08
<b>MISSISSIPPI SOUTHERN</b>	
MSS 2 08-74	Iley Joe Payne v. Merck & Co., Inc., et al.
MSS 5 08-10	Roy Davis v. Merck & Co., Inc., et al.
<b>MONTANA</b>	
MT 6 08-18	Janet Lamping v. Merck & Co., Inc., et al.
<b>NORTH CAROLINA WESTERN</b>	
NCW 3 08-66	Susan Bodnar v. Merck & Co., Inc., et al.
<b>NEBRASKA</b>	
NE 8 08-147	Robert Stanley v. Merck & Co., Inc., et al.
<b>NEW MEXICO</b>	
NM 6 08-89	Reverend John Carl Adams v. Merck & Co., Inc., et al.
<b>NEVADA</b>	
NV 3 08-64	Bruce J. Bitter, et al. v. Merck & Co., Inc., et al.
<b>NEW YORK EASTERN</b>	
NYE 2 08-344	Andrew Schwaeber v. Merck & Co., Inc., et al.
<b>OKLAHOMA EASTERN</b>	
OKE 6 08-110	Sharon Loeffler v. Merck & Co., Inc., et al.
<b>PUERTO RICO</b>	
PR 3 08-1206	James Cumba, et al. v. Merck & Co., Inc., et al.
<b>SOUTH CAROLINA</b>	
SC 0 08-518	Gloria Brown v. Merck & Co., Inc., et al.
SC 3 08-318	Jeffrey D. Morgan, M.D. v. Merck & Co., Inc. et al.
<b>TENNESSEE EASTERN</b>	
TNE 1 08-33	Evelyn Igou, et al. v. Merck & Co., Inc., et al.

**MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)****DIST. DIV. C.A. #****CASE CAPTION****TENNESSEE WESTERN**

TNW 1 08-1043

Gary Lackey v. Merck &amp; Co., Inc., et al.

**TEXAS EASTERN**

TXE 9 08-19

Robert S. Love v. Merck &amp; C., Inc., et al.

**TEXAS SOUTHERN**

TXS 2 08-34

Roberto DeLeon v. Schering-Plough Corp., et al.

TXS 3 08-84

James J. Janik v. Merck &amp; Co., Inc., et al.

**WEST VIRGINIA SOUTHERN**

WVS 3 08-162

Virginia Miller, et al. v. Merck &amp; Co., Inc., et al.

WVS 3 08-195

Debra Lynn Lewis, et al. v. Schering-Plough Pharmaceuticals, Inc., et al.